

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                          |
|--------------------------|---|--------------------------|
| -----X                   |   |                          |
| UNITED STATES OF AMERICA | : |                          |
|                          | : |                          |
| -v-                      | : | 11 Cr. 300 (JSR)         |
|                          | : |                          |
| CARL KRUGER,             | : | <u>MEMORANDUM OF LAW</u> |
|                          | : |                          |
| Defendant. :             |   |                          |
| -----X                   |   |                          |

### **INTRODUCTION**

Defendant Carl Kruger respectfully submits this brief memorandum of law in support of his motion for early termination of supervised release. Mr. Kruger respectfully asks this Court to terminate his supervised release early in order to help him secure gainful employment.

### **LEGAL STANDARD**

Modifications of the conditions of a term of supervised release are governed by 18 U.S.C. § 3583(e). Before making any modification to the defendant’s supervised release, a court must consider many of the statutory factors as enumerated in 18 U.S.C § 3553(a), covering the same “general punishment issues” that the court would consider when imposing an initial sentence, “such as deterrence, public safety, rehabilitation, proportionality, and consistency, when it decides to modify, reduce, or enlarge the term or conditions of supervised release.” United States v. Lussier, 104 F.3d 32, 35 (2d Cir.1997) (citing 18 U.S.C. § 3583(e)). The Court is required to consider all the statutory factors, but need not make specific finding as to each one. United States v. Gammarano, 321 F.3d 311, 315-316 (2d Cir. 2003).

Pursuant to § 3583(e), a district court, “after considering the factors set forth in section 3553(a),” may “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is

warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). The decision to grant early termination rests within the discretion of the district court. Lussier, 104 F.3d at 36.

**EARLY TERMINATION IS WARRANTED**

Mr. Kruger was sentenced in April 2012, served his 84-month term of incarceration without incident and has been on supervised release since August 2018. Since that time, Mr. Kruger has been in full compliance with all conditions and has fully satisfied all financial obligations as part of his sentence.

Mr. Kruger’s case was a highly publicized matter in Brooklyn where he resides and throughout New York State. In seeking new employment, Mr. Kruger has been repeatedly asked whether he has completed his sentence. As a result of having to respond that he is still being supervised by the Department of Probation, Mr. Kruger has been unable to secure many of the opportunities he has pursued.

Additionally, the Government and Mr. Kruger’s Probation Officer have no objection to this application. Therefore, for the foregoing reasons, Mr. Kruger respectfully requests that this Court grant his application.

Dated: New York, New York  
October 23, 2019

Respectfully submitted,

**BRAFMAN & ASSOCIATES, P.C.**

A handwritten signature in black ink, appearing to read 'Brafman', written over a horizontal line.

Benjamin Brafman  
Joshua D. Kirshner  
767 3<sup>rd</sup> Avenue  
26<sup>th</sup> Floor  
New York, NY 10017  
(212) 750 -7800